

**REMARKS**

## **Status Of The Claims**

Claims 14-16, 18 and 21-24 were previously pending. Claim 21 has been amended to recite "wherein particles on the surface of the protective layer are removed to make a smooth surface" Support for this amendment can be found, for example, on page 18, lines 9-15 of the application as filed.

Claim 25 has been added, and incorporates the limitations of the two independent claims, i.e., claims 16 and 21. Accordingly, the limitations of claim 25 include, the step of plasma-etching . . . *immediately after forming the protective layer. . . wherein particles on the surface of the protective layer are removed to make a smooth surface.* No new matter has been added by these amendments.

Accordingly, claims 14-16, 18 and 21-25 are pending and at issue.

**Rejections Under 35 U.S.C. § 103(a)**

I. Claims 14-16, 18 and 21-24

Claims 14-16, 18 and 21-24 stand rejected as obvious over U.S. Patent No. 5,635,037 to Chu (hereafter "Chu") in view of JP-08 315356 to Honda (hereafter "Honda"), further in view of U.S. Patent No. 4,816,334 to Yokoyama (hereafter "Yokoyama").

The Examiner admits that Chu and Honda do not teach plasma etching *immediately after forming the protective layer*. According to the Examiner, earlier prior art methods form protective layers without masking, and thus it would have been obvious to immediately perform plasma etching on the protective layer immediately after formation. In support thereof, the Examiner cites Yokoyama.

This rejection is respectfully traversed. Yokayama optionally performs plasma treatment of a carbon protective film merely to improve bonding with the top-coat layer. This step is not required to reduce error rates, as shown by Inventive Example No. 18. In this example, plasma etching was *not* employed and a contact-start-and-stop (CSS) error rate of 0 was obtained. In contrast the present application provides a process that includes the step of forming a laminate, forming a protective layer, and plasma-etching continuously under a dry process in a vacuum atmosphere, whereby surface defects are minimized and surface quality is greatly improved. A person of ordinary skill, seeking to minimize surface defects and without benefit of the present application, would not look to the Yokayama, which includes an optional treatment step to improve bonding with a top-coat layer. Applicants request that the rejection be withdrawn.

## II. Claims 21-24

Claims 21-24 stand rejected as obvious over Chu in view of Honda. The Examiner states that Chu deposits masking particles, and that the plasma etching process of Chu removes only those particles that are not covered by masking particles. Accordingly a smooth surface is not formed (see Figs 1-8 of Chu). A smooth surface is also not formed in Honda (See Figure in Abstract of Honda). Claim 21 has been amended to recite "wherein particles on the surface of the protective layer are removed to make a smooth surface." As neither Chu nor Honda disclose or suggest this limitation, Applicants request that the rejection be withdrawn.

